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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,106	02/27/2002	Tomihisa Kamada	Y-201	9582
802	7590	09/08/2004	EXAMINER	
DELLETT AND WALTERS			HASHEM, LISA	
P. O. BOX 2786			ART UNIT	PAPER NUMBER
PORTLAND, OR 97208-2786			2645	10

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,106

Applicant(s)

KAMADA, TOMIHISA

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S.

Patent No. 6,134,593 by Alexander et al, hereinafter Alexander.

Regarding claim 1, Alexander discloses a method for providing a storage area or module (column 3, lines 36-67) in a storage server (Figure 1, 150) for a portable data terminal (Figure 1, 110) connected over a network (see Abstract; column 3, lines 14-35), said method comprising the steps of: allocating a dedicated storage area or module (Figure 2, 210b) for each user; storing software, which is purchase-requested at a software sales site on the network by a user, into a dedicated storage area allocated to the user of the storage server without sending the software from the sales site directly to a portable data terminal of the user (column 3, line 36 – column 4, line 49); and making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (column 4, line 50 – column 5, line 13).

Regarding claim 2, the method for providing a storage area according to claim 1, wherein Alexander further discloses an expiration date until which the user is allowed to use the software stored in said storage server is set, further comprising the step of making the software, which is

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in the dedicated storage area, unavailable to the user after the expiration date (column 3, lines 40-67).

Regarding claim 3, the method for providing a storage area according to claim 1, wherein Alexander further discloses further comprising the step of charging the user for the purchase-requested software when the purchase-request is made, when the user downloads the software from the dedicated storage area, or when the user indicates an intention to continue to use after a trial period passes after the downloading (column 3, lines 40-67).

Regarding claim 4, the method for providing a storage area according to claim 1, further comprising the steps of: storing software, which is not purchase-requested by the user, into the dedicated storage area; allowing the user to select the software not purchase-requested; and charging the user for the software when the user downloads the selected software or when the user indicates an intention to continue to use after a trial period (column 3, lines 50-67).

Regarding claim 5, please see the rejection of the method in claim 1 to reject the software sales method in claim 5, wherein Alexander further discloses a software sales method comprising the steps of: inherently providing purchasable software in a home page of a sales site; and inherently receiving a purchase-request from a user via the home page (column 3, lines 14-16; column 6, lines 22-29).

Regarding claim 6, please see the rejection of the method in claim 3 to reject the software sales method in claim 6.

Regarding claim 7, please see the rejection of the method in claims 1 and 4 to reject the software sales method in claim 7.

Regarding claim 8, please see the rejection of the method in claim 1 to reject the storage server (Figure 1, 150) in claim 8, wherein Alexander further discloses a management table storing therein management information about the software stored in the dedicated storage area of the user; and means for referencing said management table in response to access from the user and for sending the software, which is stored in the dedicated storage areas of the user, to the portable data terminal of the user (column 6, line 65 –column 7, line 31).

Regarding claim 9, the storage server according to claim 8, wherein Alexander further discloses said storage unit further comprises a common storage area in which an application program body is stored as the software for common use by a plurality of users and wherein data associated with the application program and corresponding to each user is stored separately in the dedicated storage area of the user (column 3, lines 38-35).

Regarding claim 10, Alexander discloses a portable data terminal (Figure 1, 110) with a network connection capability (see Abstract; column 3, lines 14-35), comprising: local storage into which required software is downloaded from full-set software as required, said full-set software being stored in a dedicated storage area allocated on a storage unit on a network (column 3, lines 14-35; column 4, lines 50-64); and a management table in which management information associated with the software stored in the local storage is stored (column 5, lines 1-13), wherein the management information includes at least expiration date information on the software (column 3, lines 44-50), said portable data terminal further comprising means for automatically erasing the software from said local storage when an expiration date defined by the expiration date information has passed (column 3, lines 44-67).

Regarding claim 11, the portable data terminal according to claim 10, wherein Alexander further discloses means for allowing the user to rewrite said management table freely inherently is not provided (column 4, line 65 – column 5, line 13).

Regarding claim 12, please see the rejection of the portable data terminal in claim 10 to reject the recording medium in claim 12.

Regarding claim 13, please see the rejection of the portable data terminal in claim 10 to reject the computer program in claim 13.

Regarding claim 14, the method for providing a storage area according to claim 1, wherein Alexander further discloses further comprising the steps of: accepting a purchase request of software from the user at the software sales site; and receiving, according to said purchase request, the purchase-requested software or identification information associated therewith at a site of said storage server such that said purchase-requested software or identification information associated therewith is stored into said dedicated storage area allocated to the user (column 6, line 65 – column 7, line 31).

Response to Arguments

3. Applicant's arguments, see pages 12-15 of the Amendment, filed May 19, 2004, with respect to the rejection(s) of claim(s) 1-14 under U.S. Patent Application Publication No. US2003/0055870 by Smethers have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

4. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,134,593 by Alexander. Please see all rejections above.

5. Accordingly, **THIS ACTION IS MADE NON-FINAL.**

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- European Patent Application No. 0809221 by Poggio et al disclose a storage server or virtual vending machine for providing a storage area of electronic data or vending for clients connected over a network

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh

September 4, 2004

Allan Hoosain

ALLAN HOOSAIN
PRIMARY EXAMINER